

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Carpenter Family LLC
PO Box 28
Melrose, MT 59743-0028
2. Type of action: Application to Change a Water Right 41E 30118502
(Statement of Claim No. 41E 93967-00)
3. Water source name: Unnamed Tributary of Lowland Creek
4. Location affected by project: SE of Sec 32, T5N, R7W, and the NENW and NWNE of Sec. 5, T4N, R7W, Jefferson County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to add a point of diversion (POD) and place of use (POU) to irrigation Statement of Claim No. 41E 93967-00. The new point of diversion would be approximately 1-mile upstream and west of the existing POD. The proposed POD is located on U.S. Forest Service (USFS) land in the SWNWSE of Sec. 32, T5N, R7W, Jefferson County.

The new diversion will utilize a headgate and an 18-inch-wide and 10-inch-deep ditch, approximately 500 feet in length, to irrigate 25 acres in the S2SESE of Sec. 32, T5N, R7W, and the NENW, and NWNE of Sec. 5, T4N, R7W, Jefferson County. The proposed infrastructure is already in place, the Applicant is requesting authorization from DNRC to formally add the new POD and POU to the water right record and come into compliance with State and USFS regulations. The proposed 25 additional acres of irrigation will not be irrigated simultaneously with the full historical 40-acre POU; it would be used in rotation with the existing POU in the W2 of Section 34, T5N, R7W, to ensure that an expansion of the historically perfected water use under Claim No. 41E 93967-00 will not occur.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402, MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Part II. Environmental Review

1. Environmental Impact Checklist:

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| <h2>PHYSICAL ENVIRONMENT</h2> |
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WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No Significant Impact

The unnamed tributary of Lowland Creek and the main stem of Lowland Creek are not on DFWP's list of chronically dewatered streams. There will be no increase in diverted flow or volume following this proposed change.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No Significant Impact

The unnamed tributary of Lowland Creek and the main stem of Lowland Creek are not listed as a water quality impaired or threatened source by DEQ. There should be no change in water quality due to this change.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No Significant Impact

The change only involves surface waters of an unnamed tributary of Lowland Creek in the headwaters of the Boulder River watershed (Basin 41E).

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No Significant Impact

The proposed diversion will be upstream, and approximately 1 mile west, of the historical point of diversion. The existing/historical diversion is located in the SWSWNE of S33, T5N, R7W,

Jefferson County. The proposed/additional diversion will be a headgate located in the SWNWSE of Sec. 32, T5N, R7W, Jefferson County. The headgate and ditch system will be measured to ensure that the flow rate will not exceed the historical use of 1.52 CFS or a diverted volume not to exceed the historical use of 145.39 AF. Both the proposed and existing PODs are located on an unnamed tributary of Lowland Creek. The proposed diversion, although currently unauthorized, is already in place so no additional channel impacts will occur.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No Significant Impact

The Montana Natural Heritage Program identified the following species of concern within the project area: Westslope Cutthroat Trout (*Oncorhynchus clarkia lewisi*), Clark's Nutcracker (*Nucifraga columbiana*), Great Blue Heron (*Ardea herodias*), Cassin's Finch (*Haemorhous cassinii*), Western Toad (*Anaxyrus boreas*), Ferruginous Hawk (*Buteo regalis*), Wolverine (*Gulo gulo*), Brewer's Sparrow (*Spizella breweri*), Canada Lynx (*Lynx canadensis*).

The proposed change intendeds to add a point of diversion for the flood irrigation of 25 acres located in the SESE of Sec 32, T5N, R7W, and the NENW and NWNE of Sec. 5, T4N, R7W, Jefferson County. The additional 25 acres will be irrigated in rotation with the historical POU. The added POD and POU should not adversely impact any of the species of concern within this project area.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No Significant Impact

Montana Natural Heritage Program identifies the proposed point of diversion as falling within Emergent and Freshwater Scrub-Shrub Wetland. Water will be diverted from the point of diversion to irrigate 25 acres of pasture located in the SESE of Sec 32, T5N, R7W, and the NENW and NWNE of Sec. 5, T4N, R7W, Jefferson County, in rotation with the existing POD and POU. The added point of diversion and additional 25 acres should not adversely impact any wetlands identified in this project area since the "proposed" water use has been in place for approximately 70 years and no future disturbance is expected.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No Significant Impact

The project does not involve any ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No Significant Impact

The use of water from the unnamed tributary of Lowland Creek for irrigation will not cause degradation of soil quality or stability. The soils at the Unnamed Tributary of Lowland Creek are not susceptible to saline seep.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No Significant Impact

The proposed irrigation is located on private property, and the applicants will be responsible for controlling noxious weeds. The headgate and ditch system are on USFS property. A Special Use Permit will be issued from the USFS upon this change approval.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No Significant Impact

Adverse air quality impacts from increased air pollutants are not expected as a result of this project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: No Significant Impact

The new headgate and ditch system are located on USFS property and are already in place. The USFS is aware of the project and requested the Applicant come into compliance with DNRC by obtaining a change authorization. The USFS will issue a Special Use Permit to the Applicant upon approval of this change.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No Significant Impact

None identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No Significant Impact

The USFS will issue a Special Use Permit to the Applicant upon approval of this change authorization.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No Significant Impact

The proposed project will not impact access to or the quality of recreational and wilderness activities.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: No Significant Impact

The proposed project will not impact human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No **XX**___ *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No Significant Impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No impact.
- (b) Local and state tax base and tax revenues? No impact.
- (c) Existing land uses? No impact. The proposed project would bring existing land uses into compliance with state water law.
- (d) Quantity and distribution of employment? No impact.
- (e) Distribution and density of population and housing? No impact.

- (f) Demands for government services? No impact.
- (g) Industrial and commercial activity? No impact.
- (h) Utilities? No impact.
- (i) Transportation? No impact.
- (j) Safety? No impact.
- (k) Other appropriate social and economic circumstances? No impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified

Cumulative Impacts None identified.

- 3. *Describe any mitigation/stipulation measures:*** The proposed project will bring an existing irrigation system located in part on federal and private lands into compliance with state water laws and regulations.
- 4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** No alternative identified.

PART III. Conclusion

1. *Preferred Alternative* N/A

2. *Comments and Responses* N/A

3. *Finding:*

Yes ___ No XX Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

This project has little, to no significant environmental impact. The proposed ditch system and headgate is already in place on USFS property. A change authorization would bring the Applicant into compliance with DNRC rules and regulations.

Name of person(s) responsible for preparation of EA:

Name: Kristeen Wofford

Title: Water Resource Specialist

Date: 7/30/2019

